

and use of management practices for recreational vessels as are necessary to meet these performance standards.

Finally, this legislation includes a savings clause to ensure that this act does not affect existing Clean Water Act prohibitions against discharges of oil or hazardous substances under section 311 of the act.

I urge my colleagues to support this targeted legislative proposal to properly address discharges from recreational vessels.

Mr. KLEIN of Florida. Mr. Speaker, I rise in strong support of S. 2766, the Clean Boating Act of 2008, and to applaud my good friend and the bill's lead sponsor, Senator NELSON, who has been a tireless advocate on this issue for Florida's recreational boaters.

I also want to thank the distinguished chairman of the full committee and my good friend from Minnesota, Mr. OBERSTAR, for fulfilling a promise he made on the House floor when we considered the Coast Guard bill back in April. He promised then to take up this issue on behalf of recreational boaters before the September 30th deadline, and once again, the distinguished Chairman has proven that he is one of the truly great leaders of the House.

Mr. Speaker, in a mere 70 days, the nation's 73 million recreational boaters will face a huge and unreasonable regulatory burden as a result of a recent U.S. District Court decision. The underlying decision dealt primarily with halting the spread of invasive species through commercial ballast water—an effort I support, having seen firsthand the ravages of invasive species on Florida's environmental treasure: the Everglades. The U.S. District Court, however, did not limit its decision only to ballast water. Instead, it struck down a long-standing exemption for recreational boaters from obtaining a permit for incidental discharges.

As a result, 73 million boaters will be forced to obtain permits from the EPA or face fines as high as \$32,500. To be frank, this is a ridiculous scenario. We don't need a new DMV for our recreational boaters, especially since the EPA feels ill-equipped to handle this new regulatory responsibility.

We must also not forget that this new permitting system will hurt an industry that is already suffering as a result of our country's economic downturn. In particular, the marine industry is a major economic force in my home state of Florida, responsible for over \$18 billion of revenues and 220,000 jobs statewide. It's critical to note that \$13 billion of the economic impact and 162,000 of those jobs as well as almost half of the industry's gross sales come from the tri-county region, much of which is in my Congressional district.

But this great industry is not without its own perils. People don't need boats, and they generally buy them when they are comfortable with the necessities of life. The industry is also affected by high interest rates, record insurance costs and rising property taxes, particularly for those on the waterfront. We must not add to their troubles this new regulatory burden that could prevent potential boaters from buying or using a boat. That's why I cosponsored the House version of the Clean Boating Act and have supported its swift passage.

Mr. Speaker, the Senate already has acted earlier this morning by passing S. 2766 and the next bill up for debate, S. 3298. I strongly support that bill as well because it provides a two-year moratorium for certain small commer-

cial vessels and all fishing vessels from the regulatory permits. I urge my colleagues to follow suit and adopt both bills so we can stop this logistical and regulatory nightmare.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the Senate bill, S. 2766.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CLARIFYING PERMIT REQUIREMENTS FOR CERTAIN VESSEL DISCHARGES

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3298) to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) COVERED VESSEL.—The term “covered vessel” means a vessel that is—

(A) less than 79 feet in length; or

(B) a fishing vessel (as defined in section 2101 of title 46, United States Code), regardless of the length of the vessel.

(3) OTHER TERMS.—The terms “contiguous zone”, “discharge”, “ocean”, and “State” have the meanings given the terms in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

SEC. 2. DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) NO PERMIT REQUIREMENT.—Except as provided in subsection (b), during the 2-year period beginning on the date of enactment of this Act, the Administrator, or a State in the case of a permit program approved under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), shall not require a permit under that section for a covered vessel for—

(1) any discharge of effluent from properly functioning marine engines;

(2) any discharge of laundry, shower, and galley sink wastes; or

(3) any other discharge incidental to the normal operation of a covered vessel.

(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to—

(1) rubbish, trash, garbage, or other such materials discharged overboard;

(2) other discharges when the vessel is operating in a capacity other than as a means of transportation, such as when—

(A) used as an energy or mining facility;

(B) used as a storage facility or a seafood processing facility;

(C) secured to a storage facility or a seafood processing facility; or

(D) secured to the bed of the ocean, the contiguous zone, or waters of the United States for the purpose of mineral or oil exploration or development;

(3) any discharge of ballast water; or

(4) any discharge in a case in which the Administrator or State, as appropriate, determines that the discharge—

(A) contributes to a violation of a water quality standard; or

(B) poses an unacceptable risk to human health or the environment.

SEC. 3. STUDY OF DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) IN GENERAL.—The Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating and the heads of other interested Federal agencies, shall conduct a study to evaluate the impacts of—

(1) any discharge of effluent from properly functioning marine engines;

(2) any discharge of laundry, shower, and galley sink wastes; and

(3) any other discharge incidental to the normal operation of a vessel.

(b) SCOPE OF STUDY.—The study under subsection (a) shall include—

(1) characterizations of the nature, type, and composition of discharges for—

(A) representative single vessels; and

(B) each class of vessels;

(2) determinations of the volumes of those discharges, including average volumes, for—

(A) representative single vessels; and

(B) each class of vessels;

(3) a description of the locations, including the more common locations, of the discharges;

(4) analyses and findings as to the nature and extent of the potential effects of the discharges, including determinations of whether the discharges pose a risk to human health, welfare, or the environment, and the nature of those risks;

(5) determinations of the benefits to human health, welfare, and the environment from reducing, eliminating, controlling, or mitigating the discharges; and

(6) analyses of the extent to which the discharges are currently subject to regulation under Federal law or a binding international obligation of the United States.

(c) EXCLUSION.—In carrying out the study under subsection (a), the Administrator shall exclude—

(1) discharges from a vessel of the Armed Forces (as defined in section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)));

(2) discharges of sewage (as defined in section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a))) from a vessel, other than the discharge of graywater from a vessel operating on the Great Lakes; and

(3) discharges of ballast water.

(d) PUBLIC COMMENT; REPORT.—The Administrator shall—

(1) publish in the Federal Register for public comment a draft of the study required under subsection (a);

(2) after taking into account any comments received during the public comment period, develop a final report with respect to the study; and

(3) not later than 15 months after the date of enactment of this Act, submit the final report to—

(A) the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, S. 3298, and include therein extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume, briefly, to describe the purpose of this legislation, which was vigorously supported by the gentleman from Mississippi (Mr. TAYLOR); the gentleman from Alaska, our former chairman, Mr. YOUNG; Mr. LOBIONDO from New Jersey; and, of course, the very distinguished ranking member of the subcommittee, Mr. LATOURETTE; by Chairman CUMMINGS, who gave his full support and initiative to this legislation.

This is a 2-year moratorium for discharges incidental to the normal operation of certain commercial vessels other than discharges of ballast water. It also directs the Environmental Protection Agency to conduct additional studies on the implications of discharges incidental to the normal operation of a vessel.

We developed this legislation in similar fashion to the previous bill in recreational boating on the initiative of the gentleman from Mississippi (Mr. TAYLOR), the gentleman from Ohio (Mr. LATOURETTE) and the other Members that I mentioned previously.

We also worked across the way with the other body, the Committee on Environment and Public Works and various individual Members of the other body. It took a little while to get their commitment, get their attention, to release the bill from holds over there, which are a quaint practice, not practiced in this body. Again, we were prepared to bring this bill to the House floor and had it scheduled for the suspension calendar this week out of exasperation with lack of progress across the way.

But I know those 200 meters that separate the two wings of the Capitol are very difficult to traverse. Sometimes it can take as long as the Old Chisholm Trail to move from one end to the other, but that movement has been made. I will include in the RECORD the specifics of the legislation, the legislative history which is necessary to establish the legislative balance and the factual construct within which we bring this bill to the floor.

Mr. Speaker, S. 3298 provides a two-year moratorium for discharges incidental to the normal operation of certain commercial vessels, other than discharges of ballast water, as well as directs the Environmental Protection

Agency ("EPA") to conduct additional study on the implications of discharges incidental to the normal operation of a vessel.

This legislation, which was developed in close coordination with the two lead co-sponsors of the House companion bill, H.R. 6556, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Ohio (Mr. LATOURETTE), as well as our counterpart in the Other Body, the Committee on Environment and Public Works, and several individual senators. I applaud the work of all of my colleagues, in both chambers, for resolving their differences, and moving this legislation (S. 3298), and S. 2766, the "Clean Boating Act of 2008", in tandem today.

S. 3298 strikes an important legislative balance between the need to protect our water-related environment and the need to provide additional time for certain vessel owners and operators to address the discharge of pollutants from their vessels.

This legislation provides a targeted two-year moratorium from the Clean Water Act's National Pollutant Discharge Elimination System, or NPDES, permit requirements for commercial fishing vessels and other commercial vessels less than 79 feet in length—giving the nation's commercial fishermen and other small commercial vessel owners and operators more time to understand and address discharges from these vessels.

This moratorium provides a narrow exception—providing additional time for those vessel owners and operators, which, in the opinion of Congress, were least prepared for the impending implementation of the Clean Water Act permitting requirements on September 30, 2008.

For example, any vessel that was subject to the NPDES requirements of the Clean Water Act prior to the decision of the U.S. District Court for the Northern District of California, such as certain oil and gas exploration vessels, energy and mining vessels, and seafood storage and processing facilities will remain subject to such requirements under this legislation.

In addition, the scope of discharges included within this moratorium mirrors those discharges that were included within the regulatory exclusion found at 40 CFR 122.3(a), with the exception of the discharge of ballast water, which is not included within the scope of the two-year moratorium. Accordingly, any category of discharge from a "covered vessel" that was subject to the Clean Water Act exemption prior to the court decision, such as bilge water, cooling water, weather deck runoff, and effluent from properly functioning marine engines, is covered within the two-year moratorium of S. 3298. The only exception to this rule is if the EPA Administrator, or a State, as appropriate, could demonstrate that such discharge either contributes to a violation of a water quality standard or poses an unacceptable risk to human health or the environment.

As was evident from testimony during a hearing on this topic before the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure, the lack of sufficient information on the types, volumes, and composition of discharges from differing classes of commercial vessels has complicated the ability of Congress to address these discharges in a comprehensive manner.

S. 3298 will provide Congress with additional time, and with additional information on what, exactly, is meant by discharges incidental to the normal operation of a vessel, so that upon the expiration of this two-year period, Congress can revisit this issue and address these discharges in a manner that is workable, commensurate with their impact, and consistent with goals of the Clean Water Act to "restore and maintain the chemical, physical, and biological integrity of the nation's waters."

Mr. Speaker, S. 3298 is in direct response to a March 2005 decision of the U.S. District Court for the Northern District of California, which overturned a decades-old Clean Water Act exclusion for discharges incidental to the normal operation of a vessel. This decision, entitled *Northwestern Environmental Advocates v. U.S. Environmental Protection Agency*, held that the 1979 EPA regulation (found at 40 CFR 122.3(a)) which excluded certain vessel discharges from the permitting requirements of the Clean Water Act exceeded the Agency's authority under the law. In essence, the court was concerned that the 1979 Clean Water Act exclusion was written too broadly, and accordingly, the court issued an order vacating the regulatory exclusion for discharges incidental to the normal operation of a vessel as of September 30, 2008.

In response to the court decision, and the pending outcome of an appeal to the Ninth Circuit Court of Appeals, the EPA was required to enforce the permitting requirements of the Clean Water Act on all vessel discharges. On June 17, 2008, the Environmental Protection Agency published in the *Federal Register* two separate Draft National Pollutant Discharge Elimination System ("NPDES") General Permits for Discharges Incidental to the Normal Operation of a Vessel.

The first—the draft Recreational General Permit—would establish a set of mandatory and recommended best management practices for discharges from recreational vessels less than 79 feet in length. However, the need for the Recreational General Permit will be rendered unnecessary by passage of the Clean Boating Act of 2008, which provides a targeted statutory exemption from the NPDES permitting requirements of the Clean Water Act for all recreational vessels, regardless of length.

The second draft general permit—the draft Vessel General Permit ("VGP")—addresses discharges from recreational vessels greater than 79 feet in length and all other commercial vessels; however, the need for a general permit to address discharges from recreational vessels is, again, eliminated by enactment of the Clean Boating Act, but the need to address discharges from other vessels remains at the end of the two-year moratorium contained in S. 3298.

EPA's draft VGP establishes effluent limits for 28 discharges typically found in the effluent of commercial vessels, as well as best management practices designed to decrease the amount of these pollutants being discharged into the waters of the United States. The draft VGP establishes varying levels of regulatory authority and management practices to control these discharges scaled on the size and class of vessels, as well as establishes new monitoring and reporting requirements. The effective date of the draft VGP was to be September 30, 2008, as established by the Northwestern Environmental Advocates decision.

S. 3298 will suspend the implementation of the draft VGP, providing an additional two years for the Environmental Protection Agency to finalize an appropriate regulatory approach to address discharges incidental to the normal operation of a vessel, as well as a time to further study the nature, types, composition, volumes, locations, and potential impacts of vessel discharges.

However, unlike the Clean Boating Act, S. 3298 is not a statutory exemption for discharges incidental to the normal operation of a vessel. During the two-year period following the date of enactment, EPA should continue to work with the individual States to resolve the outstanding State certification process under section 401 of the Clean Water Act, as well as work with other Federal agencies, including the U.S. Fish and Wildlife Service, to satisfy its obligations under other Federal statutes.

In addition, this two-year moratorium provides the regulated community with additional time to evaluate and provide public comment on EPA's draft Vessel General Permit. EPA should utilize this two-year period to work with vessel owners and operators, and hopefully address any technical or practical implementation questions raised by the regulated community.

In essence, this two-year moratorium provides EPA with adequate time to complete its statutory obligations under the Clean Water Act and other Federal statutes, and be ready to implement the appropriate Clean Water Act mechanisms for controlling, minimizing, and properly addressing vessel discharges at the end of the moratorium.

S. 3298 also directs the Environmental Protection Agency, in coordination with the U.S. Coast Guard and other interested Federal agencies to conduct a study on discharges incidental to the normal operation of a vessel. The intent of this study is to provide the Agency and the Congress with additional information on the nature, types, volumes, and composition of vessel discharges, and the potential impact of these discharges on human health, welfare, or the environment.

S. 3298 specifically excludes three types of discharges from the scope of the study: discharges from vessels of the Armed Forces, discharges of sewage from vessels, and the discharge of ballast water. The Committee believes that all three types of discharges have been studied in the past, and should be excluded from the scope of this study to ensure that the Administrator is able to meet the 15-month deadline in this legislation. This study should cover only those discharges which EPA determines are "incidental to the normal operation of a vessel" and should exclude those discharges that are not necessary for the operation of a vessel, such as the discharge of dry cleaning byproducts, photo processing chemicals, medical wastes, and noxious liquid substance residues—all of which were similarly excluded from the scope of coverage under EPA's Vessel General Permit.

In sum, 3298 is a narrowly tailored compromise that should provide certain vessel owners and operators and the Environmental Protection Agency with sufficient time and information to better understand the implications of discharges incidental to the normal operation of a vessel and, at the same time, preserve the goals of the Clean Water Act to restore and maintain the chemical, physical and biological integrity of the nation's waters.

I urge my colleagues to join me in supporting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Again, I want to praise a number of our colleagues, first and foremost among them, the chairman of the full committee, Mr. OBERSTAR, who introduced just yesterday, I think, H.R. 6556, and, again, would indicate that anyone that followed the House schedule doesn't need to adjust their television set. We are, in fact, doing Senate 3298 and not House bill 6556.

Again, it's thanks to the pressure, and I didn't know I was citing a biblical verse before, but give thanks to the pressure exerted by Chairman OBERSTAR indicating that we were prepared to proceed.

Just a quick story about those 200 meters to the other side, there is a rather famous clock on the other side of the Capitol called the Ohio Clock. Every time I have been over there it doesn't seem to be working, but it's right twice a day, and I think once today at least and in passing these pieces of legislation, the United States Senate has sent us a good piece of legislation, which we can send on to the President.

I rise in support of Senate 3298, and this has been the result of bipartisan, bicameral discussions by a number of Members on the Committee on Transportation and Infrastructure.

The House is taking action to approve this bill in conjunction with the recreational boating measure that we just passed, the court decision which would require this permitting business that we have talked about that was never contemplated by the Clean Water Act.

The bill will exempt small commercial vessels and all fishing vessels from obtaining these permits for 2 years while the agency studies the nature of impacts and discharges that are normal to the operation of these vessels. Following the submission of the required report, Congress will have better tools to determine if these discharges should be regulated or exempted, as is the case with recreational vehicles.

Enactment of this legislation and its companion will carry out an agreement made with Chairman OBERSTAR to address the entire scope of vessels that will be impacted by the pending EPA permit program.

I, again, want to commend Chairman OBERSTAR, thank him for working with us, and on our side of the aisle someone who has been dogged, and, I think, concerned as GENE TAYLOR of Mississippi was on the Democratic side of the aisle, on our side of the aisle Mr. YOUNG of Alaska and Mr. LOBIONDO of New Jersey were afraid that because we have 14 million recreational boaters, perhaps we would deal with that issue and then leave this issue hanging in limbo.

But, again, as a result of the reaching across the aisle and across the Capitol, can-do spirit of Chairman OBERSTAR, we were able to come to this moment in time. I guess the only thing that we can hope, is if the reference to the slumbering dinosaur is accurate, that 2 years is enough time for them to again awaken from their slumber and solve this problem when this moratorium expires.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, we have no further speakers on our side and reserve the balance of the time.

Mr. LATOURETTE. Mr. Speaker, at this time it's my pleasure to yield such time as he may consume to one of the aforementioned champions on this issue, the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Mr. Speaker, I am very pleased to have the opportunity to rise on this piece of legislation and the one prior, S. 2766.

Mr. OBERSTAR, let me again tip my hat to you. I continue to be amazed and impressed at the bag of pixie dust you sometimes carry around for special circumstances to get the other body to move when it looks like they have no movement in their mind at all.

As Mr. OBERSTAR and Mr. LATOURETTE so accurately detailed on the previous bill, S. 2766, and for this bill S. 3298, thanks to the Ninth District Court of San Francisco, who have added to their disgraceful list of decisions on how they are completely disconnected from the real world, and what actually happens in people's lives, we are forced to deal with these issues.

When we have people that are upset with us, we want to make sure that they understand that this is the Ninth Circuit Court, it wasn't the EPA. We are very hopeful that the EPA will take the time necessary to look at this very closely.

I rise in very strong support of S. 3298. A few minutes ago the House considered a bill that I also strongly support to permanently exempt over 15 million recreational vessels from being slapped with \$32,000 in fines daily for incidental discharges, and that's the part that I think that gripes us the most, is incidental discharges.

But the bill, I think, needed to have a little bit extra attention in a particular area. It didn't really treat all boats equally. While the bill did exempt recreational vessels and other small commercial boats, like many of the fishing vessels and tour-boat operators in my district, they would not have received an exemption. It would have been unfair to provide exemptions for 15 million recreational vessels while refusing to extend the same exemption to approximately 30,000 commercial vessels that are of equal and, in many cases, a smaller size.

In addition, rainwater runoff, bilge water and engine-cooling water and other charges are materially the same, regardless of whether they are discharged from a recreational vessel, a

fishing vessel or a small tour boat. Since the Clean Water Act's inception in 1973, these discharges have been exempt from EPA permitting. For 35 years these exemptions have been accepted by Congress and have stood unchallenged in the courts. But, more importantly, these exemptions have been applied to all vessels equally. Therefore, it was fair.

The commercial fishing industry in my district is the second largest on the east coast, but it's suffering from a lot of the stress and strains that other areas of the economy is, increased fuel costs, catch limitations and the economic slump in general.

Now this infamous court in California is attempting to make things worse by forcing the EPA to make our fishermen abide by costly permits or face tens of thousands of daily fines and lawsuits. At a time when our economy is experiencing a downturn, it is critically important that Congress move both of these bills, S. 2766 and S. 3298, to protect both the recreational and commercial boating industry, and the millions of jobs that they support from unfair regulations. While S. 3298 does not go as far as I would have liked, it represents a very fair compromise.

I want to take the time again to thank Mr. OBERSTAR, Mr. MICA and Mr. LATOURETTE for their work on these issues, as well as many others in this Congress. The 2 years that we have for the exemption or the extension will give the EPA some of the time they have requested to study the issue of incidental discharges and their effect on the environment before being forced to implement regulations by a court.

While I support this legislation, I would like to clarify language in the bill that excludes fishing vessels from this temporary exemption when they are secured to a storage facility or a seafood-processing facility. It is clear this language applies to fishing vessels that are permanently secured or are at least secured for extended periods of time to a storage facility or to a seafood-processing facility, and is not meant to apply when a fishing vessel is unloading its catch at a seafood-processing facility docked at the processing facility for a short period of time or stored at the facility during the off season.

With that, I would like to again thank Chairman OBERSTAR, Ranking Member MICA, Mr. LATOURETTE and all the others who have worked so hard on this. I especially want to thank Mr. TAYLOR. We had many early morning meetings, but we got a lot accomplished.

□ 1545

Mr. OBERSTAR. I am prepared to close on this side after the gentleman from Ohio.

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of our time for the purpose of closing.

Mr. Speaker, just a couple of observations. I am glad that, again, Mr.

LOBIONDO has singled out GENE TAYLOR of Mississippi, who is a tireless champion on a number of these issues, and was dead set, as was Mr. LOBIONDO and Mr. YOUNG, on making sure that this piece moved with the other piece. And in honor of Mr. TAYLOR today on the floor, I actually wore chinos and a blue blazer, which is the Taylor national uniform, to commemorate his participation in the House of Representatives.

The other thing, before I came over to the floor I got the benefit of an e-mail that is being sent around by some environmental groups indicating that this somehow is a dangerous bill and is going to lead to pollution. And again, I will tell you, for those that are weak at heart and maybe nervous about that type of communication, first, again, over 99 percent of the recreational vehicles and vessels we are talking about don't have any ballast water. So the ballast water and invasive species issue that we are attempting to deal with is a nonstarter, literally, a red herring.

The second piece, and that is that somehow we are authorizing the discharge of noxious chemicals and pollutants into the water stream is also not correct, in that that was taken care of in the Oil Pollution Act of 1990. And what we are truly talking about here, Mr. Speaker, are incidental discharges, as I think I described during the discussion of the other bill.

I am grateful that we were able to permanently take care of our recreational friends; that we now have a 2-year window with which to collect additional data to make sure we get it right on fishing vessels.

I again commend Mr. OBERSTAR and our committee and our friends in the Senate for getting it to us; and hopefully President Bush will sign this soon, and this problem will be taken care of.

I yield back the balance of our time.

Mr. OBERSTAR. To the list of encomiums that have been expressed on the floor during this discussion, I add that of Mr. MICA, who has participated all through the process in partnership, as we do on our committee, in crafting the approach, agreeing to separate tracks for the two bills, to patience waiting for the other body, and I greatly appreciate the support of the gentleman from Florida (Mr. MICA), our ranking member.

To all Members who have given so much of their time and energy and pointing out, as several have done, that if we don't act, as we are doing today, if we don't act promptly, come the start of commercial fishing season, there could be a shutdown of the entire industry with calamitous economic consequences, and we don't want that to happen.

So we are here now to bring this bill to conclusion, a 2-year moratorium, give the regulated users, boaters, time to evaluate to provide public comment on EPA's draft vessel general permit.

We also caution EPA to use this 2-year period to work with the vessel

owners within the context of that court ruling and address technical or practical implementation issues raised in this entire context. There should be plenty of time for EPA to complete statutory obligations under the Clean Water Act and other statutes, and address vessel discharges at the end of this moratorium period so we don't have to have another crisis situation again.

And I know that all those who are engaged in the commercial boating activities will appreciate the dispatch with which we have acted. And I assure one and all that we would have acted weeks ago had it not been out of respect for the other body and the procedural problems encountered in moving bills over there.

Again, I thank all those who have given so much of their time and energy and early morning meetings, yes, to resolution of this issue.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of S. 3298.

The Clean Water Act is clear in its mandate that point source discharges into waters of the United States are subject to regulation. But while the law is clear on this point, the Act is less clear in providing guidance on how to deal with the concerns of mobile sources.

Discharges from vessels complicate this matter all the more. First, the sheer numbers of vessels make pollution control and regulation challenging.

Second—and very importantly—we are unclear on the effects of many of the discharges that emanate from vessels.

Third, efforts to address mobile sources of pollution are inherently more complicated than that of stationary ones.

For many years—from 1973 to 2005—the Environmental Protection Agency avoided these vexing issues by decreeing that discharges incidental to the normal operation of a vessel were exempt from regulation.

While a convenient and understandable approach to the challenges of regulating vessels under the Clean Water Act, EPA did nothing to control or even understand the nature of discharges that stemmed from vessels.

In 2005, however, a federal court ruled that EPA had acted in excess of its authority in "exempting an entire category of discharges" from regulation under the Clean Water Act. As a result of this Court decision, all vessels would be subject to Clean Water Act permitting requirements by September 30th of this year.

In both pieces of legislation before us today—in this bill, S. 3298 as well as in the Clean Boating Act—we seek to strike a balance among the various factors that have been central to the issue of minimizing pollution from vessels. And I believe we have been successful in realizing this challenge.

Central to S. 3298 is a moratorium of 2 years from regulation for a majority of vessels potentially eligible.

During this time, the EPA will do what it has not done enough of before—rigorously study what vessels actually discharge, and what the human health and environmental effects of those discharges might be.

This will provide the Congress with additional information that will allow us to properly

address whether, what, and how the discharge of pollutants from vessels should be addressed.

Among the vessels that will be subject to the moratorium is much of the Nation's fishing fleet. We recognize the financial margins that fishermen are subject to, and realize it would not be prudent to control their various discharges without better information.

However, given the uncertainty related to the types, volumes, and composition of discharges from larger commercial vessels, such as cruise ships and super-tankers, these vessels are excluded from the 2 year moratorium. This is only right. Our Nation's valuable fisheries and coastal areas should not be subject to the discharge of pollutants that enter our Nation's waters in such quantities.

Mr. Speaker, S. 3298 strikes an appropriate balance between precaution and commerce, and between aquatic health and pragmatism.

I urge my colleagues to vote for this legislation today.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the Senate bill, S. 3298.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 294) to reauthorize Amtrak, and for other purposes, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Passenger Rail Investment and Improvement Act of 2008".

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

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TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES AND STATE CAPITAL GRANTS.

(a) OPERATING GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for operating costs the following amounts:

- (1) For fiscal year 2009, \$525,000,000.
- (2) For fiscal year 2010, \$600,000,000.
- (3) For fiscal year 2011, \$614,000,000.
- (4) For fiscal year 2012, \$638,000,000.

(5) For fiscal year 2013, \$654,000,000.

(b) INSPECTOR GENERAL.—Out of the amounts authorized under subsection (a), there are authorized to be appropriated to the Secretary of Transportation for the Office of the Inspector General of Amtrak the following amounts:

- (1) For fiscal year 2009, \$20,368,900.
- (2) For fiscal year 2010, \$22,586,000.
- (3) For fiscal year 2011, \$24,337,000.
- (4) For fiscal year 2012, \$26,236,000.
- (5) For fiscal year 2013, \$28,287,000.

(c) ACCESSIBILITY IMPROVEMENTS AND BARRIER REMOVAL FOR PEOPLE WITH DISABILITIES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak to improve the accessibility of facilities, including rail platforms, and services the following amounts:

- (1) For fiscal year 2009, \$68,500,000.
- (2) For fiscal year 2010, \$240,000,000.
- (3) For fiscal year 2011, \$240,000,000.
- (4) For fiscal year 2012, \$240,000,000.
- (5) For fiscal year 2013, \$240,000,000.

(d) CAPITAL GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for capital projects (as defined in subparagraphs (A) and (B) of section 24401(2) of title 49, United States Code) to bring the Northeast Corridor (as defined in section 24102(a)) to a state-of-good-repair, for capital expenses of the national rail passenger transportation system, and for purposes of making capital grants under section 24402 of that title to States, the following amounts:

- (1) For fiscal year 2009, \$1,202,000,000.
- (2) For fiscal year 2010, \$1,321,000,000.
- (3) For fiscal year 2011, \$1,321,000,000.
- (4) For fiscal year 2012, \$1,427,000,000.
- (5) For fiscal year 2013, \$1,427,000,000.

(e) AMOUNTS FOR STATE GRANTS.—Out of the amounts authorized under subsection (d), the following percentage shall be available each fiscal year for capital grants to States under section 24402 of title 49, United States Code, to be administered by the Secretary of Transportation:

- (1) 41.60 percent for fiscal year 2009.
- (2) 38 percent for fiscal year 2010.
- (3) 38 percent for fiscal year 2011.
- (4) 35 percent for fiscal year 2012.
- (5) 35 percent for fiscal year 2013.

(f) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to ½ of 1 percent of amounts appropriated pursuant to subsection (d) for the costs of project management oversight of capital projects carried out by Amtrak.

SEC. 102. REPAYMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

(a) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL AND INTEREST ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal and payment of interest on loans for capital equipment, or capital leases, not more than the following amounts:

- (A) For fiscal year 2009, \$345,000,000.
- (B) For fiscal year 2010, \$345,000,000.
- (C) For fiscal year 2011, \$345,000,000.
- (D) For fiscal year 2012, \$345,000,000.
- (E) For fiscal year 2013, \$345,000,000.

(2) EARLY BUYOUT OPTION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.

(3) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not—

- (A) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in